

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

BARRY JOE STULL,

Plaintiff,

v.

JAKOB BUETLER, ET AL.,

Defendants.

Case No. 3:20-cv-02067-JR

ORDER

IMMERGUT, District Judge.

On January 21, 2022, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”). ECF 76. The F&R recommends that this Court dismiss this action with prejudice for failure to prosecute and follow a Court Order. No party filed objections. For the following reasons, the Court ADOPTS Judge Russo’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R and accepts Judge Russo’s conclusions. The F&R, ECF 76, is adopted in full. This action is DISMISSED with prejudice for failure to prosecute and failure to follow a Court Order.

IT IS SO ORDERED.

DATED this 3rd day of March, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge